



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,131	03/30/2001	Carl M. Ellison	42390P8110	6846

8791 7590 12/07/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,131	<b>Applicant(s)</b> ELLISON ET AL.	
	<b>Examiner</b> Minh Dieu Nguyen	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-23 are pending.

#### ***Drawings***

2. The drawings are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a THREE MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

Art Unit: 2137

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 11-14, 17-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al. (5,956,481).

a) As to claim 1, Walsh discloses a method and apparatus for protecting data files on a computer from virus infection comprising a file analyzer to perform a scan operation on an incoming file and produce a scanning result (col. 10, lines 23-24) and a signature generator to produce a digital signature, inclusive of the scanning result, of a digital signature chain, the digital signature chain is verified prior to accessing the incoming file (col. 15, lines 58-62).

b) As to claims 2 and 12-13, Walsh discloses the incoming file is precluded from being opened if the verified digital signature chain indicates an unacceptable file integrity (col. 15, lines 33-53).

c) As to claim 3, Walsh discloses the incoming file is precluded from being executed if the verified digital signature chain indicates an unacceptable file integrity. Walsh discloses the incoming file being opened is an executable program (col. 3, lines 43-44), i.e. the executable program is precluded from being opened, i.e. precluded from being executed.

d) As to claims 4 and 23, Walsh discloses the incoming file is accessed if the verified digital signature chain indicates acceptable file integrity (col. 15, lines 33-36).

e) As to claim 5, Walsh discloses the file analyzer performs the scan operation and outputs the scanned file in addition to the scanning result to accompany the digital signature chain (col. 15, lines 58-62).

f) As to claims 6 and 17, Walsh discloses the apparatus is employed within a platform coupled to a local area network that a platform providing the incoming file is coupled to (Fig. 1, elements 20 and 51).

g) As to claims 7 and 18, Walsh discloses the apparatus is employed within a platform coupled to a wide area network (Fig.1, elements 20 and 52).

h) As to claims 11 and 21, Walsh discloses a method comprising sending a file to a signatory via a network, the signatory checking the file and providing a digital signature chain indicating file integrity of the file (col. 8, lines 54-56; col. 12, lines 56-61); verifying the digital signature chain returned from the signatory via the network prior to accessing the file and accessing the file if the verified digital signature chain indicates an acceptable file integrity (Fig. 6; col. 15, lines 33-36).

i) As to claim 14, Walsh discloses wherein verifying the digital signature chain includes determining whether contents of a digital signature associated with the digital signature chain include a message regarding the integrity of the file (Figs 5A, 5B and 6).

j) As to claim 19, Walsh discloses the scanner is one of a virus detector, an intrusion detector, and a file integrity checker (col. 3, lines 3-15).

k) As to claim 20, Walsh discloses the file contains at least one of a code and a data (col. 3, lines 43-44).

5. Claims 1, 11, 15-16 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Spear (6,611,925).

a) As to claim 1, Spear discloses a method and system for identifying items after they have been scanned by a virus scanner and for confirming that an item has been previously scanned for computer viruses and has not been altered since it was scanned (col. 2, lines 33-37) comprising a file analyzer to perform a scan operation on an incoming file and produce a scanning result (col. 4, lines 39-46) and a signature generator to produce a digital signature, inclusive of the scanning result, of a digital signature chain, the digital signature chain is verified prior to accessing the incoming file (col. 4, lines 65-67 to col. 5, lines 1-3).

b) As to claims 11 and 21, Spear discloses method comprising sending a file to a signatory via a network, the signatory checking the file and providing a digital signature chain indicating file integrity of the file (Fig. 1; Fig. 2, element 209); verifying the digital signature chain returned from the signatory via the network prior to accessing the file and accessing the file if the verified digital signature chain indicates an acceptable file integrity (Fig. 3, element 316):

c) As to claims 15 and 16, Spear discloses the digital signature chain includes at least one digital signature and at least one certificate (Fig. 2, elements 207, 209) and verifying the digital signature chain includes accessing contents of one certificate to determine if the signatory is authorized (col. 2, lines 61-63) and accessing contents of one digital signature to determine the integrity of the file (col. 4, lines 57-63).

d) As to claim 22, Spear discloses digital signature functions for electronic documents and items like a hand-written signature does for printed memory (col. 4, lines 57-63), it is inherently understood that without digital signature chain, i.e. certificate and/or digital signature, associated with the file, the file might come from the untrusted sources therefore the file is prevented from being accessed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (5,956,481) in view of Willman et al. (6,745,306).

Walsh discloses the platform comprises at least one processor, a first controller unit and memory (Fig. 1). However, Walsh does not disclose the memory including an accessible memory area and an isolated memory area.

Willman discloses a method and system for protecting data on a computer system uses one or more restricted areas of memory to store proprietary or confidential data (Abstract) comprising the memory including an accessible memory area and an isolated memory area (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of memory including an accessible memory area and an

isolated memory area as Willman teaches in the system of Walsh so as to better protect data (col. 1, lines 18-49).

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (5,956,481) in view of Willman et al. (6,745,306) and further in view of Reardon (6,212,635).

Walsh and Willman do not disclose second control unit including a token bus interface which is coupled to a token bus and in communication with at least one token.

Reardon discloses apparatus and methods for preventing unauthorized reading or altering of computer data by individuals or programs operating on a computer or a computer network comprising a second control unit including a token bus interface, a token bus coupled to the token bus interface and in communications with at least one token (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of token bus and token bus interface as Reardon teaches in the system of Walsh and Willman so as to securely protect and exchange data and programs between computers and computer users (col. 1, lines 25-30).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.




Art Unit: 2137

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

  
mdn  
11/22/04

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

  
Andrew Caldwell

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**